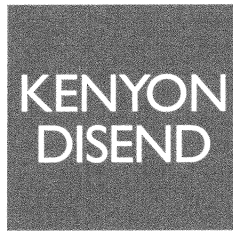


Michael R. Kenyon
Rachel B. Turpin
Ann Marie J. Soto
Kim Adams Pratt
David A. Linehan
Alexandra L. Kenyon
Eileen M. Keiffer
Hillary E. Graber
Andrew D. Tsoming



Doug F. Mosich
Of Counsel
Shelley M. Kerslake
1967 - 2014

February 6, 2019

Ms. Tabatha Blacksmith
Compliance Coordinator
Public Disclosure Commission
PO Box 40908
Olympia, Washington 98504-0908

**RE: Seattle Public Schools - Response to PDC Complaint
Public Disclosure Commission Case No. 45913**

Dear Ms. Blacksmith:

We represent Seattle Public Schools ("SPS" or "District") regarding the above referenced complaint. This letter serves as the District's response to the e-mail complaint filed by Mr. Jim Brewer on January 25, 2019. A copy of the complaint is attached as Exhibit A.

- In brief, Mr. Brewer alleges that an SPS e-mail "improperly use[d] advocacy in support of the pending levy ballot propositions" in violation of RCW 42.17A.555. Mr. Brewer specifically alleges impermissible advocacy in the portion of the SPS e-mail that states, "... here at Seattle Public Schools a gap remains. Voter-approved levies help bridge that funding gap."

The Commission requested that SPS respond to the allegation that it "violated RCW 42.17A.555 by using public facilities to promote a ballot proposition (Propositions 1 & 2)."

SPS appreciates the opportunity to provide this response. The District's e-mail does not violate RCW 42.17A.555 because it neither promotes nor opposes the Propositions. Rather, the District's e-mail sets forth demonstrably true facts. RCW 42.17A.555 states in relevant part:

No elective official nor any employee of his or her office nor any person appointed to or employed by any public agency may use or authorize the use of any of the facilities of a public office...for the promotion or opposition to any ballot proposition.

(emphasis added). The terms "promotion" or "opposition" are not specifically defined in RCW 42.17A.555 or related statutes. Under common rules of statutory construction, the Commission and the District are governed by the plain, dictionary definitions of those terms. According to the

Meriam-Webster Dictionary, “promotion” means an “act of furthering the growth or development of something.” The same dictionary likewise defines “opposition” as “an act of settling opposite or over against: the condition of being so set.”

In the present case, the District’s e-mail does not advocate either a “yes” or “no” vote (or any other position) on the Propositions. The e-mail did not extoll the ballot’s virtues or highlight its costs. It did not make broad, abstract statements as to what a vote means (e.g., “a vote against the levies is a vote against children” or “support your children.”). Nor did the e-mail make any inflammatory remarks (e.g., “schools will shut down if the Propositions are not passed” or “a vote against the Propositions is a vote against education.”). Instead, the e-mail simply states objective truths—the levies will provide money to the District, which it needs to avoid a demonstrated and factually correct funding gap.

Equally importantly, SPS here fully complied with the Commission’s interpretation of RCW 42.17A.555. As you are aware, the Commission produces multiple publications to help public entities interpret and apply the State’s campaign laws. SPS has long been aware of and adhered to the Commission’s “Guidelines for School Districts in Election Campaigns” (the “Guidelines”). A copy of the Guidelines is attached as Exhibit B. The first sentence of the Guidelines states that they are “...an expression of the Commission’s view of the meaning of RCW 42.17A.555 and relevant administrative rules and case law involving school districts and election campaign activity.” Exhibit B at 1. These Guidelines are “intended to provide guidance regarding the Commission’s approach and interpretation of how the statutory prohibition on the use of public-school facilities for campaigns impacts activities contemplated by district personnel . . .” Id.

Consistent with state statute, the Guidelines expressly provide that “[s]chool districts are authorized by statute to prepare and distribute information to the general public to explain the instructional program, operation and maintenance of the school of the district. This includes informing the community of the needs the district faces and needs students have that the community may not realize exist.” Exhibit B at 4 (emphasis added).

The District’s e-mail constitutes just such a permissible and district wide objective and fair presentation of the facts, as contemplated by state statute and the Commission’s associated guidelines. The e-mail informs recipients that a vote on two expiring levies will occur on February 12, 2019. It stated that the levies, if renewed, will provide funding to the Seattle School District’s day-to-day operations, safety and security improvements, and construction. The e-mail then concludes by informing the recipient that, without the levies, the School District will experience a funding gap. These statements accurately set forth facts related to the Propositions.

Mr. Brewer’s complaint alleges that the e-mail wrongfully promoted Propositions 1 and 2 by highlighting the financial consequences of the measures. In the District’s view, Mr. Brewer’s complaint fails to understand the distinction between an impermissible “promotion” of facts and a

Ms. Tabatha Blacksmith
Compliance Coordinator
Public Disclosure Commission
February 6, 2019
Page 3

wholly permissible presentation of objective facts. The SPS e-mail provides truthful, accurate information in compliance with RCW 42.17A.555 and does not promote the Propositions in any material manner.

The District requests that the Commission dismiss this complaint as unfounded. In the meantime, please contact us directly if we can provide any further information. Thank you.

Sincerely,

KENYON DISEND, PLLC

A handwritten signature in blue ink, appearing to be "Michael R. Kenyon", written over the printed name.

Michael R. Kenyon
Andrew D. Tsoming

ADT/mlm
Enclosures
cc: Denise Juneau, Superintendent
Noel Treat, General Counsel

Complaint Description

[Jimbobrewer](#) reported an issue (Fri, 25 Jan 2019 at 9:21 AM)

The email from the district improperly uses advocacy in support of the pending levy ballot propositions. It does so by stating that:

the levies are "important", the levies support "critical day-to-day school operations, [and] safety and security improvements", that a funding gap remains, that voter-approved levies help bridge that gap, that local levies are needed and that those levies help Seattle Public School students succeed.

All of these statements are intended to induce support for the ballot propositions and are improper, even if factually accurate.

Original email from Seattle Public Schools:

From: Seattle Public Schools [mailto:publicaffairs@seattleschools.org]

Sent: Friday, January 18, 2019 4:50 PM

To: [redacted for personal privacy]

Subject: Why the Feb. 12 levies are important

Dear Families,

On February 12, Seattle voters will consider Prop. 1 & Prop. 2, two expiring levies—the Educational Programs & Operations (EP&O) levy and the Building Excellence V (BEX V) Capital levy. These expiring local levies fund critical day-to-day school operations, safety and security improvements, and construction to rebuild aging schools and add classrooms throughout the district.

Last year, Washington State changed its K-12 education funding model, also referred to as the “McCleary Fix.” As a result, a significant portion of state dollars collected from Seattle property owners, dollars that used to be under local control, are now distributed to other districts across the state. The increase in state funding helped a lot of other districts and we are supportive of this improvement for the state’s publicly educated students. However, while the new state funding model addresses some critical longtime needs, such as teachers’ salaries, here at Seattle Public Schools a gap remains. Voter-approved levies help bridge that funding gap.

Please watch [this video](#) to better understand why we need local levies for our students and how those tax dollars help Seattle Public Schools students succeed.

Additionally, the Seattle Times asked us a series of questions about our Feb. 12 levies and school funding in a January 8 editorial. We answered them and submitted our response on Jan. 10. The Times is not going to publish our response, but we think this information is important

for our parents, staff, and community to read: https://www.seattleschools.org/district/calendars/news/what_s_new/levies_updates/school_levies_are_critical

For more information about the EP&O and BEX V levies, visit: www.seattleschools.org/levies
Office of Public Affairs

Seattle Public Schools would like to continue connecting with you via email. If you prefer to be removed from our list, please contact Seattle Public Schools directly. To stop receiving all email messages distributed through our SchoolMessenger service, follow this link and confirm: [Unsubscribe](#)

SchoolMessenger is a notification service used by the nation's leading school systems to connect with parents, students and staff through voice, SMS text, email, and social media.

My email to SPS raising concerns:

Jim Brewer <jimbobrewer@gmail.com>

to superintendent

Dear Superintendent Juneau.

A neighbor recently forwarded to me an email from the Public Affairs Office of SPS regarding the upcoming levy election. Set forth at the end of this message is the text of that email. The email content includes several statements that in my view advocate a “yes” vote on the levies. These include the statement that “...here at Seattle Public Schools a gap remains. Voter-approved levies help bridge that funding gap.” This appears to be a violation of RCW 42.17A.555, which prohibits the use of public agency facilities to promote a ballot proposition.

I have always voted for school levies, but I also have serious concerns about improper electioneering by public agencies. Before I file a complaint with the Washington Public Disclosure Commission, I would like to consider anything you can tell me about this communications activity.

I would appreciate a prompt response from you on this matter.

Sincerely, Jim Brewer

Email response from SPS Chief Public Affairs Officer

Campbell, Carri J <cjcampbell@seattleschools.org>

to me, John

Dear Mr. Brewer:

I am responding on behalf of the Superintendent's Office.

Thank you for your email dated January 20, 2019. You inquired as to whether the use by Seattle Public Schools of the phrase “a gap remains” and “voter-approved levies help bridge that funding gap” promotes a ballot measure in violation of RCW 42.17A.555. The District takes its legal responsibility under RCW 42.17A.555 very seriously. Each year we email staff and remind them of the rules around not using District resources to promote a candidate or ballot measure. We last did this on October 8, 2018. The District’s Public Affairs Department, the department I supervise, is also aware of PDC rules and works with the Legal Department to comply with PDC laws and guidance. Our levy materials are reviewed by the legal department.

We believe the statements in the January 18, 2019 communication are correct factual statements. There is a funding gap, i.e., the District spends more money on educational services than it receives from the State. The School Board, when it approved of the ballot measure had the OSPI Pre-Ballot Application as part of the materials (linked below). In the materials, it gives an example of how the “State allocates 9 nurses for 53,000 students in Seattle and levy funds are used to provide an additional 50 nurses.” We believe that this is a gap, and calling it a gap is factually correct. We further believe that informing the public of this gap is doing our due diligence to be accurate to the voting public. We made what we believed was a fair presentation of the facts and did not intend to violated PDC rules.

Board

link: https://www.seattleschools.org/UserFiles/Servers/Server_543/File/District/Departments/School%20Board/18-19%20agendas/November%2014/A02_2018114_Resolution%201819-9%20BAR.pdf

Respectfully,

Carri

Carri Campbell
Chief Public Affairs Officer
Seattle Public Schools

What impact does the alleged violation(s) have on the public?

The violation unlawfully uses public agency facilities to support a "yes" vote on a pending ballot proposition.

List of attached evidence or contact information where evidence may be found.

Two emails from Seattle Public Schools. The first is the original email which violates the statute. The second is a response from the SPS Public Affairs Office defending the original email after I wrote the Superintendent to express my concern.

List of potential witnesses with contact information to reach them.

Seattle Public Schools Chief Public Affairs Officer Carri J Campbell:
cjcampbell@seattleschools.org

Complaint Certification:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.



PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

Guidelines for School Districts in Election Campaigns

Public Disclosure Law Re: Use of Public Facilities in Campaigns

PDC Interpretation 01-03, Revised September 28, 2006

USE OF THE GUIDELINES

This document is an educational tool that is an expression of the Commission's view of the meaning of RCW 42.17.130 and relevant administrative rules and case law involving school districts and election campaign activity. It is intended to provide guidance regarding the Commission's approach and interpretation of how the statutory prohibition on the use of public school facilities for campaigns impacts activities that may be contemplated by district personnel and other persons who may seek to utilize those public facilities. These Guidelines are meant to aid and assist in compliance with the law. Readers are strongly encouraged to review the statute and rules referenced in these Guidelines.

For ease of reference, the majority of this interpretation is in chart form. In part, the chart identifies categories of persons, some possible activities, and some general considerations. These illustrative examples in the columns of the chart are not intended to be exhaustive.

For example, the categories of persons identified are, in many cases, illustrative only and simply identify groups of persons more likely to undertake or consider undertaking the activity mentioned in the adjacent columns. If an activity is described as being viewed as "Permitted," it is viewed as permitted for all district personnel otherwise having the authority under law or district policy to undertake that action, not just the persons identified in the chart or in a particular column. The same approach is applied to the "Not Permitted" column. Further, the remarks in the chart's "General Considerations" column have relevance for the entire section and are not limited to the specific bullet point immediately to the left of the general consideration.

As noted in the Basic Principles section below, hard and fast rules are difficult to establish for every fact pattern involving district facilities that may occur. Situations may arise that are not squarely addressed by the guidelines or that merit additional discussion. The PDC urges districts to review the guidelines in their entirety, and to consult with their own legal counsel and with the PDC. The PDC can be reached at pdcc@pdcc.wa.gov, 360/753-1111 or toll free at 1-877-601-2828.

RCW 42.17.130

Use of public office or agency facilities in campaigns — Prohibition — Exceptions.

No elective official nor any employee of his [or her] office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

Notes:

Finding -- Intent -- 2006 c 215: "(1) The legislature finds that the public benefits from an open and inclusive discussion of proposed ballot measures by local elected leaders, and that for twenty-five years these discussions have included the opportunity for elected boards, councils, and commissions of special purpose districts to vote in open public meetings in order to express their support of, or opposition to, ballot propositions affecting their jurisdictions.

(2) The legislature intends to affirm and clarify the state's long-standing policy of promoting informed public discussion and understanding of ballot propositions by allowing elected boards, councils, and commissions of special purpose districts to adopt resolutions supporting or opposing ballot propositions." [2006 c 215 § 1.]

RCW 28A.320.090**Preparing and distributing information on district's instructional program, operation and maintenance--Limitation.**

The board of directors of any school district shall have authority to authorize the expenditure of funds for the purpose of preparing and distributing information to the general public to explain the instructional program, operation and maintenance of the schools of the district: PROVIDED, That nothing contained herein shall be construed to authorize preparation and distribution of information to the general public for the purpose of influencing the outcome of a school district election.

WAC 390-05-271**General applications of RCW 42.17.130.**

- (1) RCW 42.17.130 does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.
- (2) RCW 42.17.130 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.

WAC 390-05-273**Definition of normal and regular conduct.**

Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17.130, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.

Similar prohibitions on the use of public facilities by state employees and state officers are described in a memorandum from the Attorney General's Office regarding RCW 42.52 and available at <http://www.atg.wa.gov/pubs/publicfundsmemo062800.htm>

BASIC PRINCIPLES

1. Public facilities may not be used to support or oppose a candidate or ballot proposition. RCW 42.17.130. Facilities include school district equipment, buildings, supplies, employee work time, and district publications. The statute includes an exception to the prohibition for "activities which are part of the normal and regular conduct of the office or agency."

2. School districts are authorized by statute to prepare and distribute information to the general public to explain the instructional program, operation and maintenance of the schools of the district. This includes informing the community of the needs the district faces and needs students have that the community may not realize exist. RCW 28A.320.090 which authorizes the board of directors of any school district to expend funds for this purpose provides that nothing in that statute is to be construed as authorizing preparation or distribution of information to the general public for the purpose of influencing the outcome of a school district election.
3. School districts are charged with education and instilling civic virtue.
4. School district employees do not forfeit their rights to engage in political activity because of their employment. Neither may district employees be subjected to coercion, pressure, or undue influence to participate in political activity or to take a particular position. Public officials and employees should make it clear that any participation is personal rather than officially sponsored.
5. Supervisory school personnel have a duty to know, apply, and communicate to their staffs the difference between acceptable information activities and inappropriate promotional activities in support of district ballot measures.
6. School directors are free to support school district ballot issues and engage in other political activities as long as such activities do not make use of district facilities, time or resources and do not either pressure or condone employees' use of district facilities, time or resources to support school district ballot issues.
7. The PDC is charged with enforcing RCW 42.17.130. This requires consideration and analysis of activities, which may or may not be determined to be in violation of the statute. The PDC has, over the years, developed methods of considering and analyzing activities engaged in by school districts and public offices. Among the factors considered are the normal and regular conduct of the district and the timing, tone, and tenor of activities as compared with ballot measure elections. As in any matter where intent is to be considered, hard and fast rules, which will be applicable to all situations, are difficult to establish.

The combination of a number of activities into a coordinated campaign involving close coordination between district activities and citizens' committee activities which closely resembles traditional election campaign activities and which is targeted at and/or occurs close in time to a school district ballot measure election is likely to draw close scrutiny and careful consideration by the PDC as to whether a violation has occurred.
- 8.a. Historically, the PDC has routinely advised and held that with respect to election-related publications, one districtwide objective and fair presentation of the facts per ballot measure is appropriate.

In addition, if a district has also customarily distributed this information through means other than a districtwide mailing (e.g. kid mail, regularly scheduled district or school newsletter, website, bilingual documents, or other format), that conduct has also been permitted under RCW 42.17.130 so long as the activity has been normal and regular for the district.

- b. The PDC will presume that every school district may distribute districtwide an objective and fair presentation of the facts for each ballot measure. If the district distributes more than this districtwide single publication, the district must be able to demonstrate to the PDC that this conduct is normal and regular for that district. In other words, the district must be able to demonstrate that for other major policy issues facing the district, the district has customarily communicated with its residents in a manner similar to that undertaken for the ballot measure.
- c. Districts are urged to read the definitions of "normal and regular" at WAC 390-05-271 and WAC 390-05-273. **Districts need to be aware, however, that in no case will the PDC view a marketing or sales effort related to a campaign or election as normal and regular conduct.**

Public Disclosure Commission
Guidelines for School Districts in Election Campaigns

Persons	Permitted	Not Permitted	General Considerations
Principals or Building Administrators	- May inform staff during non-work hours¹ of opportunities to participate in campaign activities.² - Are encouraged to communicate to staff the difference between acceptable and unacceptable activities related to a ballot measure. - In the course of normal publications for the school, may distribute an objective and fair presentation of the facts³ based on and expanded upon the information⁴ prepared by the district in accordance with the normal and regular conduct of the school and the district.⁵	- Shall not pressure or coerce employees to participate in campaign activities. - Shall not use internal memoranda solely for the purpose of informing employees of meetings supporting or opposing ballot measures. - Shall not coordinate informational activities with campaign efforts, in a manner that makes the district appear to be supporting or opposing a ballot measure.	- Has there been communications with staff and with union representatives regarding the prohibition on the use of the school's internal mail or email system to support or oppose a ballot measure? - Is the distribution of this information consistent with the normal practices of the school (such as kid mail, newsletters, websites, or some other format)?

¹ Districts may set the definition of work hours for their employees. For example, to the extent that a district defines the lunch hour as a non-work hour, activities to support or oppose a candidate or a ballot measure that do not use public resources and that are held away from district facilities are permitted during the lunch hour.

² RCW 42.17.680(2) provides that "[n]o employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee."

³ Throughout these guidelines, the clause "objective and fair presentation of the facts" means that in addition to presenting the facts, the materials should present accurately the costs and other anticipated impacts of a ballot measure.

⁴ For the purposes of these guidelines, "information" refers to the documents prepared, printed, and mailed districtwide by the district's central administration solely for the purposes of informing residents regarding an upcoming ballot measure. The district and a school may continue to distribute information consistent with the customary practices of the district and a school, including but not limited to kid mail, newsletters, websites, and multi-lingual documents. These publications may continue, but if they discuss the ballot measure, the information should be an objective and fair presentation of the facts.

⁵ For the purpose of these guidelines, the term "normal and regular" is defined in WAC 390-05-273 and clarified further by WAC 390-05-271.

Public Disclosure Commission
Guidelines for School Districts in Election Campaigns

Persons	Permitted	Not Permitted	General Considerations
Principals or Building Administrators (continued)	• May speak at community forums and clubs to present factual and objective information on a ballot measure during regular work hours. • May encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections. • May respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties. • May wear campaign buttons or similar items while on the job if the district's policy generally permits employees to wear political buttons. • May engage in campaign activities on their own time, during non-work hours and without using public resources.	• Shall not use public resources to operate a speakers' bureau in a manner that may be viewed as promoting a ballot measure.	• Is the information provided an objective and fair presentation of the facts? • Is the activity consistent with the school's normal and regular course of business? • Do the materials accurately present the costs and other anticipated impacts of a ballot measure?
PTSAs	• May use school facilities for meetings supporting or opposing a ballot measure to the extent that the facilities are made available on an equal access, nondiscriminatory basis, and it is part of the normal and regular activity of the district.	• Shall not use school facilities to produce materials that support or oppose a ballot measure, unless the district offers printing services on an equal access, nondiscriminatory basis to others.	

Public Disclosure Commission
Guidelines for School Districts in Election Campaigns

Persons	Permitted	Not Permitted	General Considerations
PTSAs (continued)	- May print and distribute a separate newsletter advocating support for the ballot measure so long as no district resources are used (such as kid mail, newsletters, websites, or some other format). - May remind voters of upcoming election dates in the PTSA newsletter or in their part of the school newsletter.	- Shall not print and distribute materials promoting the ballot measure in the school newsletter. - Shall not use a school or district-sponsored event to promote or oppose a candidate or a ballot measure.	
School Boards	May collectively vote to support or oppose a ballot measure at a properly noticed public meeting, where opponents of the measure are given an equal opportunity to express views.⁶	- Shall not pressure or coerce the superintendent to participate in campaign activities. - Shall not explicitly include passage of a ballot measure in the district's annual goals.	
School Board Members	May engage in political activities on his or her own time, if no public equipment, vehicle or facility is used. (An elected official may use his or her title, but should clarify that he/she is speaking on his/her own behalf, and not on behalf of the district. If the board has adopted a resolution, the board member can then speak on behalf of the district.)	- Shall not direct district staff to perform tasks to support or oppose campaign activities or ballot measures. - Shall not use public facilities or resources in engaging in political activities.	- Is the board member using staff time, a public vehicle, or other public resources? - Has the board adopted a resolution? If yes, the board member can speak on behalf of the district. If not, has the board member made it clear that he or she is not speaking on behalf of the district?

⁶RCW 42.17.130(1) provides that action may be "taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;"

Public Disclosure Commission
Guidelines for School Districts in Election Campaigns

Persons	Permitted	Not Permitted	General Considerations
Students	- Students may originate school projects for credit that promote or oppose candidates or ballot measures. - Students may use public resources to carry out school projects promoting or opposing ballot measures, to the extent that such resources are regularly and routinely made available for other student projects.	- Student school projects supporting or opposing ballot measures shall not use public resources that are not regularly and routinely made available for other student projects. - Teachers shall not assign school projects to students that require creating or distributing materials to influence an election's outcome. - District employees and officials shall not use student projects to influence an election's outcome.	- Is the school project student-initiated? - Is the district using the student project to influence the outcome of an election?
Superintendents or Their Designees	- May speak at community forums and clubs to present an objective and fair presentation of the facts on a ballot measure during regular work hours.⁷ - May fully participate in campaign activities, including meeting with citizens' campaign committees to plan strategies, during non-work hours and without the use of public resources.	- Shall not use public resources to operate a speakers' bureau in a manner that may be viewed as promoting a ballot measure. - Shall not use public resources to promote or defeat a candidate or ballot measure.	- Is the superintendent using public resources in a manner that promotes or opposes a candidate or a ballot measure? - Does the presentation accurately present the costs and other anticipated impacts of a ballot measure?

⁷ Districts may set the definition of work hours for their employees. For example, to the extent that a district defines the lunch hour as a non-work hour, activities to support or oppose a candidate or a ballot measure that do not use public resources and that are held away from district facilities are permitted during the lunch hour.

**Public Disclosure Commission
Guidelines for School Districts in Election Campaigns**

Persons	Permitted	Not Permitted	General Considerations
Superintendents or Their Designees (continued)	• May inform staff during non-work hours of opportunities to participate in campaign activities. • May respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties. • May wear campaign buttons or similar items while on the job if the district's policy generally permits employees to wear political buttons. • May place window signs or bumper stickers on their privately-owned cars, even if those cars are parked on school property during working hours. • Are encouraged to communicate to staff the difference between acceptable and unacceptable activities related to a ballot measure. • May encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections.	• Shall not pressure or coerce employees to participate in campaign activities. • Shall not use district resources to organize the distribution of campaign materials.	• Does the district have a policy permitting employees to wear political buttons?

Public Disclosure Commission
Guidelines for School Districts in Election Campaigns

Persons	Permitted	Not Permitted	General Considerations
Teachers or Other Employees	• May speak at community forums and clubs to present an objective and fair presentation of the facts on a ballot measure during regular work hours. • May inform staff during non-work hours of opportunities to participate in campaign activities. • May engage in campaign activities on their own time, during non-work hours and without using public resources. • May respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties. • May wear campaign buttons or similar items while on the job if the district's policy generally allows employees to wear political buttons. • May, during non-work hours, make available campaign materials to employees in lunchrooms and break rooms, which are used only by staff or other authorized individuals.	• Shall not use work hours or public resources to promote or oppose a candidate or ballot measure (such as gathering signatures, distributing campaign materials, arranging speaking engagements, coordinating phone banks, or fundraising). • Shall not pressure or coerce other employees to participate in campaign activities. • Shall not use district resources to organize the distribution of campaign materials.	• Do the presentations accurately present the costs and other anticipated impacts of a ballot measure? • Is the employee acting on his or her own time, during non-work hours? • Is the employee using public resources in a matter that promotes or defeats a candidate or a ballot measure? • Does the district have a policy permitting employees to wear political buttons?

**Public Disclosure Commission
Guidelines for School Districts in Election Campaigns**

Persons	Permitted	Not Permitted	General Considerations
Teachers or Other Employees (continued)	• May place window signs or bumper stickers on their cars, even if those cars are parked on school property during working hours. • May encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections.		
Union Representatives	• May, during non-work hours, make available campaign materials to union members in lunchrooms and break rooms, which are used only by staff or other authorized individuals. • May distribute campaign materials at union-sponsored meetings. • May post campaign materials on a bulletin board, if such a board is in an area that is not accessible to the general public and if such activity is consistent with the district's policy and the collective bargaining agreements.	• Shall not use the school's internal mail or email system to communicate campaign-related information, including endorsements. • Shall not distribute promotional materials in classrooms or other public areas.	• Are campaign materials made available only in those areas used solely by staff or other authorized individuals? • Does such distribution occur during non-work hours?

Public Disclosure Commission
Guidelines for School Districts in Election Campaigns

Activities and Resources	Permitted	Not Permitted	General Considerations
Equipment and Supplies	- District employees, in the course of their employment, may use equipment (including but not limited to projectors and computers) to make an objective and fair presentation of the facts at community forums and clubs. - District employees, in the course of their employment, may produce information that is an objective and fair presentation of the facts using public resources.	- Public resources (including but not limited to internal mail systems, email systems, copiers, telephone) shall not be used to support or oppose a candidate or ballot measure, whether during or outside of work hours. - Citizens' campaign committees and other community groups shall not use district equipment (including but not limited to internal mail systems, projectors, computers, and copiers) to prepare materials for meetings regarding ballot measures.	Do the presentations fairly and objectively present the costs and other anticipated impacts of a ballot measure?
Meeting Facilities	District meeting facilities, including audio visual equipment, may be used by campaign committees for activities on the same terms and conditions available to other community groups, subject to the provisions of the district's policy.		- Can community groups typically use school facilities? - Are facilities made available to all groups on the same terms? - Has the district adopted a policy regarding the distribution of campaign materials on district property?

**Public Disclosure Commission
Guidelines for School Districts in Election Campaigns**

Activities and Resources	Permitted	Not Permitted	General Considerations
Lists	• Lists of names (such as district vendors or parents) that a district has obtained or created in the course of transacting its regular public business are subject to public disclosure requirements; thus, unless otherwise exempt, the lists must be released subject to public records requests. • Districts may charge a pre-established fee to cover the costs of providing copies of such lists on an equal access, nondiscriminatory basis.	• Districts shall not sell copies of such lists (though they may charge a pre-established fee to recover the costs of providing copies of the lists). • If a list is generally available as a public record, it cannot be denied to a person or group on the grounds that it might be used in a campaign.	• Is the list obtained or created in the course of the district transacting its public business? • Are the fees charged no greater than necessary to cover the costs of providing copies? • Has the district complied with the Family Education Rights and Privacy Act and district policy in responding to any public record requests?
Voting Information	• District personnel may encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections. • Public facilities may be used to register people to vote and to do periodic poll checking.	• Districts shall not pressure or coerce employees to vote. • Districts shall not organize an effort to encourage staff to wear campaign buttons or display campaign materials.	• Is the activity related to providing voting information for elections, as opposed to advocating for or against a particular candidate or ballot measure?

Public Disclosure Commission
Guidelines for School Districts in Election Campaigns

Activities and Resources	Permitted	Not Permitted	General Considerations
District Publications (Specific to Elections)	- Districts may develop an objective and fair presentation of the facts regarding district needs and the anticipated impact of a ballot measure, and may distribute it in the district's customary manner. This information⁸ may be printed in various languages and communicated in other formats as required by the ADA. - In the course of regular publications for the district, the district may distribute an objective and fair presentation of the facts for each ballot measure in accordance with the normal and regular conduct of the district.	- Districts shall not distribute election-related information in a manner that targets specific subgroups. Targeting does not refer to mailing information to district constituencies such as parents, families within a service region, community leaders, or some other group, or to the district's regular distribution list to provide information in a manner that is consistent with the normal and regular conduct of the district. - Districts shall not publicize information supporting or opposing a candidate or ballot measure.	- Does the information provide an objective and fair presentation of the facts? - Is the timing, format, and style, including tone and tenor, of the information presented in a manner that is normal and regular for the district? - Is the information distributed in a manner that is normal and regular for the district? - Do the materials accurately present the costs and other anticipated impacts of a ballot measure?

⁸ For the purposes of these guidelines, "information" refers to the documents prepared, printed, and mailed districtwide by the district's central administration solely for the purposes of informing residents regarding an upcoming ballot measure. The district and a school may continue to distribute information consistent with the customary practices of the district and a school, including but not limited to kid mail, newsletters, websites, and multi-lingual documents. These publications may continue, but if they discuss the ballot measure, the information should be an objective and fair presentation of the facts.

**Public Disclosure Commission
Guidelines for School Districts in Election Campaigns**

Activities and Resources	Permitted	Not Permitted	General Considerations
District Publications (Specific to Elections) (continued)			Does the district typically distribute information by kid mail, newsletters, websites, or some other format?
District Publications (Regular)	- Districts may include all or part of the information regarding district needs and the anticipated impacts of a ballot measure in the district's regular publications, such as district and school newsletters. (For example, a school newsletter may specifically describe the projects and/or programs planned for that school.) - Districts may inform staff and/or parents of community meetings related to ballot measures if other such information is normally published in a newsletter or community calendar, and if both those supporting or opposing a ballot measure have the opportunity to appear on the calendar or in the newsletter.	- Districts shall not use internal memoranda or other district publications to encourage employees to participate in campaign activities. - Districts shall not publish materials supporting or opposing a candidate or ballot measure.	- Does the district routinely distribute such information? - Does the district normally inform staff and/or parents of community activities and meetings?

Public Disclosure Commission
Guidelines for School Districts in Election Campaigns

Activities and Resources	Permitted	Not Permitted	General Considerations
District Publications (Regular) (continued)	- Districts may factually report school board support for a ballot measure, so long as it is the normal and regular conduct for the district. (For example, a community newsletter that ordinarily reports on board actions may report that the board adopted a resolution supporting the district's ballot measure.) - Districts may thank citizens for their support after an election in district publications.		- Is the information presented in an objective and fair manner? - Is the district engaging in significantly different activities during the time period immediately prior to the ballot measure compared to all other times of the school year?
Reader Boards/Posters	- Information encouraging staff and members of the public to vote, or providing the dates of upcoming elections such as "vote on February ____", may be posted, as long as such encouragement is customarily posted for elections other than just a district ballot measure. - Districts may thank citizens on their reader boards for their support after an election.	- Districts shall not display a "vote schools" sign or other promotional messages on reader boards or posters. - Signs advocating for or against candidates or ballot measures shall not be posted on district property in any area accessible to the general public or in classrooms.	

**Public Disclosure Commission
Guidelines for School Districts in Election Campaigns**

Activities and Resources	Permitted	Not Permitted	General Considerations
Reader Boards/Poster (continued)	• Union representatives/employees may post campaign materials on a bulletin board, if such a board is in an area that is only accessible to staff or other authorized individuals and if such activity is consistent with the district's policy and collective bargaining agreements. • May post objective and fair information at a school or at a future school site regarding anticipated improvements to be funded by a ballot measure that is specific to that school or site.	• Publicly owned vehicles shall not be used to carry or display political material.	
Surveys and Research	• Districts may conduct surveys and/or other community research, including demographic questions, to determine the community's priorities, public perception of district performance, and/or to inform the community about district programs and policies. • Districts may conduct community research (including but not limited to the use of questionnaires, surveys, workshops, focus groups, and forums) to determine the community's priorities for both programs and/or facilities and their associated total costs and projected dollars per thousand assessment.	• Districts shall not conduct surveys to determine what taxation level the public would support. • Districts shall not conduct surveys designed to shore up support or opposition for a ballot measure.	• Has the school board passed a resolution authorizing a measure to be placed on the ballot? (If so, actions may be more closely scrutinized.) • Does the election-related survey target specific subgroups?

Public Disclosure Commission
Guidelines for School Districts in Election Campaigns

Activities and Resources	Permitted	Not Permitted	General Considerations
Surveys and Research (continued)	- The surveys and/or other community research can be conducted before or after the school board has approved a resolution to place a ballot measure on the ballot. However, research conducted after the adoption of the resolution may be subject to greater scrutiny. - Districts may publish survey results if it is consistent with the normal and regular conduct of the district.	- Districts shall not target registered voters or other specific subgroups of district residents in conducting their election-related surveys. - Districts shall not use survey results in a manner designed to support or oppose a candidate or ballot measure.	Is the survey or community research consistent with normal and regular activities of the district?
Technology (websites, emails, computerized calling systems)	- A district may develop an objective and fair presentation of the facts and post that information on its website, including information regarding district needs and the anticipated impacts of a ballot measure. This information may be reformatted so that it is consistent with the manner in which the district customarily presents information on its website. - District websites may permit viewers to make selections to learn about the anticipated impacts of a ballot measure for a specific school, or otherwise allow readers to explore issues in greater or lesser detail.	- District computers, email systems, telephones, and other information technology systems shall not be used to aid a campaign for or against a candidate or ballot measure. - Electronic communication systems shall not be used to generate or forward information that supports or opposes a candidate or ballot measure.	- Are the materials developed an objective and fair presentation of the facts? - Is the district engaging in significantly different activities during the time period immediately prior to the ballot measure compared to all other times of the school year?

**Public Disclosure Commission
Guidelines for School Districts in Election Campaigns**

Activities and Resources	Permitted	Not Permitted	General Considerations
Technology (websites, emails, computerized calling systems) (continued)	- Districts may update the information on their websites in a manner that is customary for the district. - Staff may respond to inquiries regarding a ballot measure in an objective and fair manner, via email or by telephone if it is part of their normal and regular duties.	District websites shall not be used for the purposes of supporting or opposing a candidate or ballot measure.	- Do the materials accurately present the costs and other anticipated impacts of a ballot measure? - Has there been communications with staff and with union representatives regarding the prohibition on the use of the school's technology to support or oppose a ballot measure?

Note on Timing of Activities: A particular activity may be subject to the scrutiny of the Public Disclosure Commission depending in part on whether it is a part of the “normal and ordinary” conduct of a district or a school. Generally, activities that occur after a school board has passed a resolution authorizing a measure to be placed on the ballot will be subject to greater scrutiny by the Public Disclosure Commission than those occurring before such a resolution has been passed.

Note on District Policies: The application of these guidelines is also subject to each district's own policies as adopted by the school board.

Revised by the Commission 9/28/06